

AN ACT

relating to an adult education program provided under an adult high school diploma and industry certification charter school program and reporting requirements regarding certain students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.137(a), Education Code, is amended to read as follows:

(a) This section applies only to:

(1) an open-enrollment charter school designated as a dropout recovery school as described by Section 12.1141(c) if the enrollment of the school consists only of students 17 years of age and older; and

(2) an adult education program provided under a high school diploma and industry certification charter school ~~[pilot]~~ program under Section 29.259.

SECTION 2. Sections 29.081(d) and (d-1), Education Code, are amended to read as follows:

(d) For purposes of this section, "student at risk of dropping out of school" includes each student who:

(1) is under 26 years of age and who:

(A) ~~[(1)]~~ was not advanced from one grade level to the next for one or more school years;

(B) ~~[(2)]~~ if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of

1 100 in two or more subjects in the foundation curriculum during a
2 semester in the preceding or current school year or is not
3 maintaining such an average in two or more subjects in the
4 foundation curriculum in the current semester;

5 (C) [~~(3)~~] did not perform satisfactorily on an
6 assessment instrument administered to the student under Subchapter
7 B, Chapter 39, and who has not in the previous or current school
8 year subsequently performed on that instrument or another
9 appropriate instrument at a level equal to at least 110 percent of
10 the level of satisfactory performance on that instrument;

11 (D) [~~(4)~~] if the student is in prekindergarten,
12 kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on
13 a readiness test or assessment instrument administered during the
14 current school year;

15 (E) [~~(5)~~] is pregnant or is a parent;

16 (F) [~~(6)~~] has been placed in an alternative
17 education program in accordance with Section 37.006 during the
18 preceding or current school year;

19 (G) [~~(7)~~] has been expelled in accordance with
20 Section 37.007 during the preceding or current school year;

21 (H) [~~(8)~~] is currently on parole, probation,
22 deferred prosecution, or other conditional release;

23 (I) [~~(9)~~] was previously reported through the
24 Public Education Information Management System (PEIMS) to have
25 dropped out of school;

26 (J) [~~(10)~~] is a student of limited English
27 proficiency, as defined by Section 29.052;

1 (K) [~~(11)~~] is in the custody or care of the
2 Department of Family and Protective Services or has, during the
3 current school year, been referred to the department by a school
4 official, officer of the juvenile court, or law enforcement
5 official;

6 (L) [~~(12)~~] is homeless, as defined by 42 U.S.C.
7 Section 11302, and its subsequent amendments; or

8 (M) [~~(13)~~] resided in the preceding school year
9 or resides in the current school year in a residential placement
10 facility in the district, including a detention facility, substance
11 abuse treatment facility, emergency shelter, psychiatric hospital,
12 halfway house, cottage home operation, specialized child-care
13 home, or general residential operation; or

14 (2) regardless of the student's age, participates in
15 an adult education program provided under a high school diploma and
16 industry certification charter school program under Section
17 29.259.

18 (d-1) Notwithstanding Subsection (d)(1)(A) [~~(d)(1)~~], a
19 student is not considered a student at risk of dropping out of
20 school if the student did not advance from prekindergarten or
21 kindergarten to the next grade level only as the result of the
22 request of the student's parent.

23 SECTION 3. The heading for Section 29.259, Education Code,
24 is amended to read as follows:

25 Sec. 29.259. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY
26 CERTIFICATION CHARTER SCHOOL [~~PILOT~~] PROGRAM.

27 SECTION 4. Section 29.259, Education Code, is amended by

amending Subsections (b), (g), (j), and (m) and adding Subsections (g-1), (i-1), and (i-2) to read as follows:

(b) The commissioner shall establish an adult high school diploma and industry certification charter school ~~[pilot]~~ program as provided by this section as a strategy for meeting industry needs for a sufficiently trained workforce within the state.

(g) A person who is at least 18 ~~[19]~~ years of age and not more than 50 years of age is eligible to enroll in the adult education program under this section if the person ~~[has not earned a high school equivalency certificate and]~~:

(1) has failed to complete the curriculum requirements for high school graduation; or

(2) has failed to perform satisfactorily on an assessment instrument required for high school graduation.

(g-1) In admitting students to the adult education program under this section, the nonprofit entity shall give priority to a person who has not earned a high school equivalency certificate.

(i-1) The adult education program offered under this section must:

(1) use an instructional model in which at least 75 percent of instruction is delivered by a teacher in an in-person, interactive classroom setting; and

(2) provide support services to students, including:

(A) child care at no cost to students;

(B) life coaching services, at a ratio not to exceed one life coach for every 100 students, that use strategic and holistic interventions designed to facilitate graduation planning

1 and assist students in overcoming life obstacles to achieve
2 academic and career goals;

3 (C) mental health counseling; and

4 (D) for students with identified disabilities or
5 impairments, instructional support services.

6 (i-2) If money is appropriated for a state fiscal year for
7 expansion of the program under this section, not later than June 30
8 of the state fiscal year in which the appropriation is made, the
9 nonprofit entity granted a charter under this section must submit
10 any request for approval of an expansion amendment. The expansion
11 amendment is considered approved if the commissioner does not
12 provide written notice to the nonprofit entity of the disapproval
13 of the expansion amendment on or before August 1.

14 (j) Funding for an adult education program under this
15 section is provided based on the following:

16 (1) for participants who are 26 years of age and older,
17 an amount per participant from available general revenue funds
18 appropriated for the ~~[pilot]~~ program equal to the statewide average
19 amount of state funding per student in weighted average daily
20 attendance that would be allocated under the Foundation School
21 Program to an open-enrollment charter school under Section 12.106
22 were the student under 26 years of age; and

23 (2) for participants who are at least 18 ~~[19]~~ years of
24 age and under 26 years of age, an amount per participant through the
25 Foundation School Program equal to the amount of state funding per
26 student in weighted average daily attendance that would be
27 allocated under the Foundation School Program for the student's

attendance at an open-enrollment charter school in accordance with Section 12.106.

(m) The commissioner shall adopt rules necessary to administer the ~~[pilot]~~ program under this section. In adopting rules, the commissioner may modify charter school requirements only to the extent necessary for the administration of a charter school under this section that provides for adult education.

SECTION 5. Section 29.259(d), Education Code, as amended by Chapter 98 (S.B. 276), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, the commissioner may, on the basis of an application submitted, grant a charter under the ~~[pilot]~~ program to a single nonprofit entity described by Subsection (e) to provide an adult education program for individuals described by Subsection (g) to successfully complete:

(1) a high school program that can lead to a diploma;
and

(2) career and technology education courses that can lead to industry certification.

SECTION 6. Section 39.053, Education Code, is amended by adding Subsection (g-4) to read as follows:

(g-4) For purposes of the computation of dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), the commissioner shall exclude a student who was reported as having dropped out of school under Section

1 42.006(a-9), and the student may not be considered to have dropped
2 out from the school district or campus in which the student was last
3 enrolled.

4 SECTION 7. Section 42.003(a), Education Code, is amended to
5 read as follows:

6 (a) A student is entitled to the benefits of the Foundation
7 School Program if, on September 1 of the school year, the student:

8 (1) is 5 years of age or older and under 21 years of age
9 and has not graduated from high school, or is at least 21 years of
10 age and under 26 years of age and has been admitted by a school
11 district to complete the requirements for a high school diploma; or

12 (2) is at least 18 ~~[19]~~ years of age and under 26 years
13 of age and is enrolled in an adult high school diploma and industry
14 certification charter school ~~[pilot]~~ program under Section 29.259.

15 SECTION 8. Section 42.006, Education Code, is amended by
16 adding Subsections (a-8) and (a-9) to read as follows:

17 (a-8) The commissioner by rule shall require each school
18 district and open-enrollment charter school to annually report
19 through the Public Education Information Management System
20 information regarding the number of students who are enrolled in a
21 high school equivalency program, a dropout recovery school, or an
22 adult education program provided under a high school diploma and
23 industry certification charter school program provided by the
24 district or school and who:

25 (1) are at least 18 years of age and under 26 years of
26 age;

27 (2) have not previously been reported to the agency as

1 dropouts; and

2 (3) enroll in the program at the district or school
3 after not attending school for a period of at least nine months.

4 (a-9) A student reported under Subsection (a-8) as having
5 enrolled in a high school equivalency program, a dropout recovery
6 school, or an adult education program provided under a high school
7 diploma and industry certification charter school program must be
8 reported through the Public Education Information Management
9 System as having previously dropped out of school.

10 SECTION 9. This Act applies beginning with the 2019-2020
11 school year.

12 SECTION 10. To ensure accurate funding for students
13 enrolled in an adult high school diploma and industry certification
14 charter school program under Section 29.259, Education Code, as
15 amended by this Act, and the accurate collection, analysis, and
16 reporting of information regarding those students, as soon as
17 practicable after the effective date of this Act, the commissioner
18 of education shall update the Public Education Information
19 Management System as necessary to accommodate the reporting through
20 the system of information regarding students who are at least 26
21 years of age and not more than 50 years of age enrolled in such
22 programs.

23 SECTION 11. This Act takes effect immediately if it
24 receives a vote of two-thirds of all the members elected to each
25 house, as provided by Section 39, Article III, Texas Constitution.
26 If this Act does not receive the vote necessary for immediate
27 effect, this Act takes effect September 1, 2019.

H.B. No. 1051

President of the Senate

Speaker of the House

I certify that H.B. No. 1051 was passed by the House on April 17, 2019, by the following vote: Yeas 129, Nays 13, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1051 on May 24, 2019, by the following vote: Yeas 135, Nays 6, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1051 was passed by the Senate, with amendments, on May 21, 2019, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor